

Message Text

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ACTION EUR-12

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PRS-01 SP-02 SS-15 USIA-06 MCT-01 SNM-02 DEAE-00
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FM AMEMBASSY ROME
TO SECSTATE WASHDC 5703
INFO AMCONSUL FLORENCE
AMCONSUL GENOA
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AMCONSUL NAPLES
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TAGS: PINT, IT
SUBJECT: THE PROGRAM ACCORD: PUBLIC ORDER

REF: (A) ROME 10748 (B) ROME 10930

SUMMARY: THE INTER-PARTY PROGRAM ACCORD IS DIVIDED INTO SIX SECTIONS, THE FIRST OF WHICH DEALS WITH THE QUESTION OF PUBLIC ORDER. THE MEASURES DISCUSSED IN THE SECTION ARE DIVIDED INTO FIVE CATEGORIES: MEASURES TO PREVENT SERIOUS CRIMES, POLICE REFORM, REFORM OF INFORMATION AND SECURITY SERVICES, PRISON REFORM, AND THE THE ADMINISTRATION OF JUSTICE. AGREEMENT WAS ACHIEVED ON A WIDE RANGE OF ISSUES, THOUGH RESERVATIONS BY SOME OF THE PARTICIPANTS IN THE NEGOTIATIONS ON INDIVIDUAL MEASURES ARE NOTED IN THE DOCUMENT. THE ONLY POINT IN THE PUBLIC ORDER SECTION ON WHICH AN ACCORD COULD NOT BE REACHED WAS ON THE QUESTION OF A POLICE UNION, WHICH IS TO BE TURNED OVER TO PARLIAMENT FOR "EVALUATION AND DECISION". END SUMMARY.

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1. THE PROGRAM DOCUMENT APPROVED BY THE DC, THE PCI, THE PSI, THE PSDI, AND THE PRI (THE LIBERALS HAVE EXPRESSED RESERVATIONS ON SOME PARTS) IS DIVIDED INTO SIX SECTIONS, THE FIRST OF WHICH DEALS WITH THE QUESTIONS OF PUBLIC ORDER, POLICE AND PRISON REFORM, AND THE ADMINISTRATION OF JUSTICE. PROPOSED MEASURES ARE BROKEN DOWN INTO FIVE CATEGORIES, AS FOLLOWS:

2. PREVENTION OF SERIOUS CRIMES: THE DOCUMENT ENVISIONS A NUMBER OF EXTRAORDINARY MEASURES FOR THE PREVENTION OF "SERIOUS CRIMES" (DEFINED AS ACTS OF TERRORISM, KIDNAPPING, ARMED ROBBERY, AND DRUG TRAFFICKING). THESE MEASURES WOULD REMAIN IN EFFECT UNTIL THE IMPLEMENTATION OF THE NEW CODE OF PENAL PROCEDURE, WHICH HAS BEEN UNDER STUDY FOR SOME TIME, OR FOR A PERIOD NOT TO EXCEED TWO YEARS. INCLUDED UNDER THIS HEADING IS A REGULATION WHICH WOULD ALLOW POLICE TO DETAIN FOR UP TO 24 HOURS INDIVIDUALS WHO REFUSE TO PRODUCE PROPER IDENTIFICATION OR ABOUT WHOSE IDENTITY THERE IS SOME QUESTION. PRESENT LAWS WOULD BE MODIFIED TO ALLOW POLICE, UNDER THE SUPERVISION OF THE PROCURATORE DELLA REPUBBLICA, TO USE PREVENTIVE DETENTION TO HOLD PERSONS BELIEVED TO BE PREPARING TO COMMIT ONE OF THE SERIOUS CRIMES LISTED ABOVE FOR UP TO 48 HOURS. POLICE AND PROSECUTING ATTORNEYS WOULD BE EMPOWERED TO INTERROGATE SUCH INDIVIDUALS WITHOUT A DEFENSE ATTORNEY BEING PRESENT, THOUGH ANY EVIDENCE GAINED IN SUCH INTERROGATION WOULD NOT BE ADMISSABLE IN COURT. POLICE WOULD ALSO BE ALLOWED TO INVADE TERRORIST HIDEOUTS ("COVIEVERSIVI") WITHOUT PRIOR JUDICIAL AUTHORIZATION. FINALLY, THE EXPANDED USE OF WIRE TAPS, WITH A MAGISTRATE'S AUTHORIZATION, WOULD BE APPROVED FOR THE DETECTION AND PREVENTION OF SERIOUS CRIMES. THE DC HAD SOUGHT TO HAVE MONETARY FRAUD INCLUDED IN THE LIST OF SERIOUS CRIMES TO WHICH THESE EXTRAORDINARY MEASURES COULD BE APPLIED, BUT WAS UNABLE TO OBTAIN THE AGREEMENT OF THE OTHER PARTIES. THE DC THEREFORE NOTED A RESERVATION ON THIS POINT.

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3. POLICE REFORM: THE DOCUMENT URGED A SPEEDY CONCLUSION OF THE DELIBERATIONS OF THE SPECIAL COMMITTEE OF THE CHAMBER OF DEPUTIES' INTERIOR COMMISSION WHICH IS INVESTIGATING MEANS OF REFORMING THE PUBBLICA SICUREZZA CORPS, THE NATIONAL POLICE FORCE DIRECTED BY THE INTERIOR MINISTRY. IN ADDITION, THE PROGRAM DOCUMENT PROPOSES THAT A DIRECTORATE GENERAL BE INSTITUTED UNDER THE MINISTRY OF THE INTERIOR TO COORDINATE THE ACTIVITIES OF THE PUBBLICA SICUREZZA WITH THOSE OF THE CARABINIERI AND LOCAL POLICE ON MATTERS INVOLVING PUBLIC ORDER. SUCH COORDINATION WOULD ALSO TAKE PLACE AT THE REGIONAL AND LOCAL LEVELS. THE DOCUMENT NOTES THAT THE POSITIONS OF THE NEGOTIATING PARTIES ON THE NATURE OF A PROPOSED POLICE UNION "REMAINED IRRECONCILABLE" AND THAT THIS ISSUE MUST THEREFORE BE LEFT TO "THE EVALUATIONS AND DECISIONS OF THE PARLIAMENT". (NEWSPAPER REPORTS INDICATE THAT THE DC, PRI, PSDI, AND PLI FAVOR AN "AUTONOMOUS" POLICE UNION, WHILE THE PCI AND PSI INSIST THAT SUCH A UNION MUST BE LINKED TO THE CGIL-CISL-UIL CONFEDERATION.)

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4. REFORM OF THE INTELLIGENCE SERVICES: THE DOCUMENT URGES A SWIFT CONCLUSION OF THE WORK OF THE SPECIAL COMMITTEE OF THE CHAMBER OF DEPUTIES STUDYING THE REFORM OF THE INTELLIGENCE SERVICES. IN ADDITION, THE ACCORD RECOMMENDS THAT THE DEFENSE INTELLIGENCE SERVICE

(SID) AND THE ANTI-TERRORISM UNIT OF THE INTERIOR MINISTRY (SDS), WHILE "MAINTAINING THEIR SPECIFIC AND RESPECTIVE ATTRIBUTES AND DUTIES", SHOULD BETTER COORDINATE THEIR ACTIVITIES AND THAT SUCH COORDINATION SHOULD BE PROVIDED "AT THE PRIME MINISTERIAL LEVEL".

5. PRISON REFORM: IT IS RECOMMENDED THAT DANGEROUS CRIMINALS BE PLACED IN THE MOST SECURE AND BEST GUARDED PRISONS AND THAT THE PROGRAM UNDER WHICH CARABINIERI ARE BEING PLACED ON GUARD OUTSIDE PRISON WALLS TO PROVIDE ADDED SECURITY BE COMPLETED AS EARLY AS POSSIBLE. THE ACCORD ALSO CALLS FOR A RESTRUCTURING AND EXPANSION OF THE PRISON GUARDS CORPS, RAISES IN PAY FOR PRISON GUARDS, AND THE RECRUITMENT OF MORE QUALIFIED INDIVIDUALS TO WORK AT ALL LEVELS OF THE PENAL SYSTEM. ALSO PROPOSED IS A PLAN FOR EXPANSION OF PRISON FACILITIES AND THE IMPLEMENTATION OF A PLAN
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UNDER WHICH INDIVIDUALS CONVICTED OF MINOR CRIMES WOULD BE ALLOWED "SEMI-LIBERTY", IN ORDER TO RELIEVE OVERCROWDING IN THE JAILS.

6. TH ADMINISTRATION OF JUSTICE: THE PROGRAM DOCUMENT RECOMMENDS A NUMBER OF REFORMS WHICH WOULD ALLOW THE JUDICIARY AND MAGISTRATES TO CONCENTRATE ON HIGH -CRIME AREAS IN LARGE CITIES AND ACHIEVE CLOSER COORDINATION IN CASES INVOLVING SERIOUS CRIMES. PROPOSALS INCLUDE A MEASURE WHICH WOULD ALLOW A SINGLE JUDGE TO SIT ON MANY TYPES OF CASES (THREE JUDGES IS NOW THE USUAL NUMBER), THEREBY FREEING JUDGES TO HEAR MORE CASES AND SPED UP THE JUDICIAL PROCESS. IN ADDITION, THE DOCUMENT CALLS FOR THE EXPANSION OF ALL AREAS OF THE JUDICIAL SYSTEM, ADDING MORE JUDGES, MAGISTRATES AND PROSECUTORS, AND INCREASING THEIR STAFFS. ALSO PROPOSED ARE MEASURES TO ENCOURAGE INCREASED COOPERATION BETWEEN THE JUDICIARY AND POLICE AND THE INSTITUTION OF PENALTIES OTHER THAN IMPRISONMENT FOR CERTAIN MINOR CRIMES.

7. COMMENT: THE POINTS OF THE PROGRAM ACCORD OUTLINED ABOVE INCORPORATE MANY OF THE MEASURES WHICH DC AND GOVERNMENT SPOKESMEN HAVE ADVOCATED OVER RECENT MONTHS TO COMBAT THE CURRENT WAVE OF VIOLENCE AND LAWLESSNESS. VIRTUALLY THE ONLY POINT ON WHICH THE PCI DID NOT MAKE SIGNIFICANT CONCESSIONS ON ITS PAST POSITIONS WAS ON THE QUESTION OF A POLICE UNION, AN AREA WHERE THE PARTY WAS CONSTRAINED TO FOLLOW THE LINE LAID DOWN BY THE CGIL, THE PCI-DOMINATED TRADE UNION FEDERATION. THE WIDE COMPROMISES MADE BY THE PCI LEADERSHIP ON THE QUESTION OF PUBLIC ORDER UNDERLINE THE IMPORTANCE WHICH IT PLACED ON BRINGING THE NEGOTIATIONS TO A SUCCESSFUL CONCLUSION.
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